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PTO/SB/64 (08-03)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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| PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b) | Docket Number (Optional) R976 |
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First named inventor: ALLEN

Application No.: 10/603,141

Art Unit: 1632

Filed: June 24, 2003

Examiner: Hama, Joanne

Title: CXCR6 CHEMOKINE RECEPTOR GENE DISRUPTIONS, COMPOSITIONS AND METHODS RELATED THERETO
Attention: Office of Petitions
Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
FAX: (703) 308-6916

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (703) 305-9282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus any extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee --required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1. Petition fee

☒ Small entity-fee \$ 750 (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

☐ Other than small entity - fee \$ _____ (37 CFR 1.17(m))

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2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in

the form of a Continuation-in-Part Application (identify type of reply):

- ☐ has been filed previously on _____.
- ☒ is enclosed herewith.

B. The issue fee of \$ _____.

- ☐ has been paid previously on _____.
- ☐ is enclosed herewith.

This collection of information is required by 37 CFR 1.137. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending on the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

3. Terminal disclaimer with disclaimer fee

- ☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. **STATEMENT:** The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D))].

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

May 4, 2005

Date

John E. Burke

Signature

Telephone

Number:

303-685-7411

John E. Burke

Typed or printed name

Greenberg Traurig, LLP

Address

1200 17th St., Ste. 2400, Denver, CO 80202

Address

Enclosures: ☒ Fee Payment

☒ Reply

☐ Terminal Disclaimer Form

☐ Additional sheets containing statements establishing unintentional delay

☒ Other: ChangeAttyAddress; CertMailingExpMail; Postcard

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

☒ deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: **Mail Stop Petition**, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

☐ transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (703) 308-6916.

May 4, 2005

Date

Sandra Lee Bourassa, PLS

Signature

Sandra Lee Bourassa, PLS

Type or printed name of person signing certificate



PATENT

Confirmation No. 2357

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

| | | | |
|-------------|---|-----------------|----------------------|
| Applicant: | Keith D. Allen | Examiner: | Hama, Joanne |
| Serial No.: | 10/603,141 | Group Art Unit: | 1632 |
| Filed: | June 24, 2003 | Docket No.: | R-976/40338.0618USU1 |
| Title: | CXCR6 Chemokine Receptor Gene Disruptions, Compositions and Methods Related Thereto | | |

CERTIFICATE UNDER 37 CFR 1.10:

"Express Mail" mailing label number: ED504426438US

Date of Deposit: May 4, 2005

I hereby certify that this paper or fee is being deposited with the U.S. Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

By

Sandra Lee Bourassa, PLS

Name: Sandra Lee Bourassa, PLS

PETITION TO REVIVE UNDER 37 C.F.R. § 1.137(b)

MS Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Deltagen, Inc. hereby petitions to revive the above-referenced application pursuant to 37 C.F.R. § 1.137(b). The application was abandoned due to the unintentional failure to timely respond to the Non-Final Office Action mailed October 14, 2004. The Applicant has not yet received a Notice of Abandonment.

The entire delay in filing the required reply in the above referenced application was unintentional. The final response date for the reply was April 14, 2005. On April 1, 2005, the Attorney of Record left the law firm of Merchant & Gould to join Greenberg Traurig. Both the docketing system's electronic records and the relevant files were delayed in transfer to the new firm. As a result, the above referenced file was not uncovered until after the six month date of April 14, 2005 had elapsed.

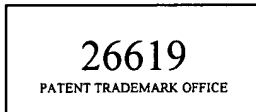
In a phone conversation with the Examiner, Dr. Joanne Hama, on April 26, 2005, it was suggested that the Applicant file a Petition to Revive stating the reason for the unintentional abandonment. An R-976 Continuation-in-part application is filed concurrently with this petition in lieu of an Amendment to the Non-Final Office Action as required by 37 C.F.R. § 1.137(c).

Although only \$750.00 is believed to be required for this petition, please charge any fee deficiency or credit any overpayment to Deposit Account No. 502775.

The undersigned believes that the requirements for making application under 37 C.F.R. § 1.137(b) have been met.

Respectfully submitted,

5-4-05
Date



John E. Burke
John E. Burke, Reg. No. 35,836
Greenberg Traurig LLP
1200 17th Street, Suite 2400
Denver CO 80202
(303) 685-7411 / (720) 904-6111

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|---|------------------------------|--------------------------|------------------------|
| CERTIFICATE OF MAILING BY "EXPRESS MAIL" (37 CFR 1.10) | | | Docket No. |
| Applicant(s): ALLEN | | | R976 |
| Serial No. 10/603,141 | Filing Date June 24, 2003 | Examiner Hama, Joanne | Group Art Unit 1632 |
| Invention: CXCR6-CHEMOKINE RECEPTOR GENE DISRUPTIONS, COMPOSITIONS AND METHODS RELATED THERETO | | | |
| I hereby certify that the following correspondence: <div>Petition for Revival of an Application for Patent Abandoned Unintentionally Under 37 CFR 1.137(b); Petition to Revive Under 37 C.F.R. Section 1.137(b); Change of Attorney or Agent's Address in Application; CIP Application Documents; Postcard</div> <p>(Identify type of correspondence)</p> <p>is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on</p> <p>May 4, 2005 (Date)</p> <p>Sandra Lee Bourassa, PLS (Typed or Printed Name of Person Mailing Correspondence)</p> <p><i>Sandra Lee Bourassa PLS</i> (Signature of Person Mailing Correspondence)</p> <p>ED504426438US ("Express Mail" Mailing Label Number)</p> | | | |
| Note: Each paper must have its own certificate of mailing. | | | |